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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,054	09/05/2000	John L. Shannon JR.	122.1.1/USA	7269

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EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,054

Applicant(s)

SHANNON, JOHN L.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the vertically extending support legs being carried on the base as set forth in claim 35 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-29 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon, Jr. (USPN 4638998) in view of Tribel (FR 2647020A) and Masaru (JP 2000-054616).

Regarding claims 27, 28, and 31, Shannon, Jr. discloses a singles stick **22** for holding the top edge of a tennis net at its regulation height above the ground for singles play, which comprises a base having a bottom engaging the ground and a fixed depth notch having an upward facing bottom wherein a top support cord or cable of a tennis net can be placed within the notch. Shannon, Jr. does not disclose the singles stick being made of a base and staff wherein the base and staff are telescopically received. Tribel discloses a telescoping device for checking the height of the tennis net wherein the device comprises a base **3** and a staff **1** connected together, via a central tube **2**, configured such that they can be pulled apart or pushed together between a collapsed and extended position by sliding the member relative to each other (See Abstract). The device extends to a length of 91.5 cm (36 inches or 3 feet). One having ordinary skill in the art would have found it obvious to have the singles stick telescoping, as taught by Tribel, in order to adjust the height of the device from the collapsed and extended position. Tribel does not disclose a locking mechanism. Masaru discloses a telescoping body having a lock **52** which releasably secures the device against sliding movement

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relative to one another. One having ordinary skill in the art would have found it obvious to incorporate the locking mechanism of Masaru into that of Shannon, Jr. In view of Tribel, in order to prevent sliding of the single stick in the extended or collapsed position. It should be noted that being Shannon, Jr. Only teaches the singles stick being at regulation height and that Tribel teaches the device being a regulation height, it is submitted that adjustment to vary the height of the single stick to anything but the regulation height and the storage height is implied therein.

Regarding claim 29, Shannon, Jr. shows the singles stick being non-circular. Furthermore, applicant does not set forth why the base and staff has to be non-circular (Evidence is submitted on page 7, lines 4 through 6). One having ordinary skill in the art would have found the shape of the base and staff to be an obvious matter of design choice. The shape of Shannon, Jr. and Tribel would perform equally as well being that the combination teaches the device being collapsible and extendable such that the net is held at regulation height.

Regarding claims 32-34, Masuru discloses the lock comprising a locking pin **36** insert able in a hole **44** wherein the locking pin is spring biased **40** in a tending to insert the pin and allows automatic engagement of the locking pin.

Regarding claim 35, Shannon, Jr., shows vertically extending legs being carried by the device to engage the ground (See member 38 on Figures 1 and 3).

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon, Jr. (USPN 4638998) in view of Tribel (FR 2647020A) and Masaru (JP 2000-054616), further in view of Glasburg (USPN 4135716).

Regarding claim 30, Shannon, Jr., Tribel, and Masuru do not disclose the base having an enlarged foot. Glasburg discloses a single stick wherein the single stick has an enlarged foot **69** for abutting against the ground (See Column 7, lines 34 through 46). One having ordinary skill in the art would have found it obvious to incorporate an enlarged foot, as taught by Glasburg, to the above combination in order to support the device while holding the net.

Response to Arguments

Applicant's arguments with respect to claims 27-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAN

Alvin A. Hunter, Jr.



STEPHEN BLAU
PRIMARY EXAMINER